App F. IX-4

Previous References

193 6.
(Muzrai)

File No. 27-31
Serial Nos. 1 — 3

Letter References.
Temp 25-2-38-1-17-13.
" 126.40-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3.

Part B for November 36

SUBJECT.

Review petition submitted to appoint a Committee to hold an enquiry into the management of Sri Parigali Math & its lands belonging to it

To. Vidhanpura Swamigalu & Sri Parigali Math
Parigali Malavau

WD 0418—GPB—22,500—29 8 36

b
review pet

G. R. S. APP F. III—1] 193(:)

GENERAL AND REVENUE SECRETARIAT.

(Muz)

NOTES.

File No. 97

FILE HEADING.

Review petition of Mallikarjuna Swami of Sri Purigali Mutt — Purigali Village — Malvalli Taluk.

FROM Mallikarjuna Swami of Sri Purigali Mutt.

No. — Dated 6. 10. 36 Received 8. 10. 36

Diary No 8373-4 | Enclos. 2 | Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Prays for a reconsideration of G.O. order no 225-27/Muz 28-36-2 of 10.8.36 regarding the appointment of a Committee to institute an enquiry about the mismanagement of the affairs of Sri Purigali Mutt its properties.

~~NOTES AND ORDERS~~.

II

Petition of 6.10.36 filed by Mr K.V. Srinivasan Advocate for the petitioner praying for a stay of the orders passed in G.O. no 225-27 of 10-8-36

X R.

orders of the Govt see on P.W.D. II :—

Muz Sachin —

He says this is not a Muz. Qu. — what does he mean? Has not the

NOTES—First Sheet

WD 02552—GPB—5,000—10-7-30

In regard to this, Kind ref^ce is invited to paras 3 and 4 of the M.C's letter no C 1731/35-36 dy 17.4.1936. on the subject. ×N.

2) The facts of the case are fully set forth in the Mysore D.C's report of 25/6/36 ×K and also the M.C's letter ref^d to above ×N.

The pet^r in para 3 of the P.U.D I denies any enquiry having been held. This is not true as seen from para 3 of the D.C's report of 25/6/36. The S.D.O has reported about the mismanagement of the affairs of Sri mutt after necessary enquiry.

In para 5 of the same P.U.D the pet^r contends that the provisions of the Mysore R+C. Instns Regulation Can not be made applicable to the Instn in question unless it is established that it is a Muzrai Institution - Re = This vide paras 3 & 4 of the M.C's letter dy 17.4.36. Action has been ×N. taken by the local authorities on receipt of written complaints from the devotees and others interested in the welfare of the mutt - Some of the devotees are stated to have endowed certain lands for the support of the Instn - In view of this what is said in para 5 of the P.U.D I viz that the mutt has no disciples is not true.

Further the action now taken is in the interests of the Instn; it is only a preliminary one pending the receipt of a report as to

Serial No.

the mode of enquiry by the Committee : in these circumstances whether any stay order as prayed for in P. M. & II is called for is for orders.—

4) The contention of the petr that the Instn is not a mere one is also not tenable, as it has devotees who are interested in its affairs & who have given landed property for its support & on whose written complaint the steps so far taken have been based. It is also religious institution dedicated for a certain set of devotees & in this sense the provisions of the Mysore R & C. Instns Regulation are applicable. Further during the time when Pudgali Inam Village — Inam gifted by one for the benefit of Sri Ranganathaswami temple at Srirangam — was managed by the Jahagirdar, he has gifted certain G. Nos therein as Sarvamanya for the mutt. (Vide para 4 of the note in May 28-36 I proceedings for reference) — This act of the Jahagirdar has neither been noticed so far nor objected ; so much so the mutt has been in the enjoyment of the Pudgali Inam lands all along.

5)

NOTE—Contn Sheet.

WD 0417 -GPB—30,000 8 9 36

373-4

File No. 97 of 1936. | General and Secretariat

Serial No.

whether there is any force in the contentions of the petr is a matter for orders — Law Secy may kindly be also consulted in the first instance

Secretary.

1) The M. C. upata states that the matha is a hon. mungrai institution in the sense that it is not endowed with cash or land grant by govt and as regards the question of the applicability of the provisions of Chapter IV of the Mysore R. C. Institutions regulation, the Public Prosecutor of Mysore division has opined that to enable govt to take action it is not necessary that the matha should be a mungrai institution and that the Govt are competent to appoint a committee if a written complaint about mismanagement is made, and in this case there has been written complaint of mismanagement and as such action has been taken under section 26 of the R. C. Regulation, and the committee committee formed is to report about the condition of the Matha and as such there is no ground for any stay and direction and nor is there any force in the contention made that it was inappropriate to have taken

Review petition — re: the appointment of a Committee to hold an enquiry about the mismanagement of Sri Purigali Mutt & the lands belonging to it.

General and Revenue Secretariat — File No. 97 of 1936-7 — [App. F. III—2

Serial No.

action under the R. C. Regulation.

GENERAL SECRETARY. 22 OCT. 1936

22/10/36

(Gen Secy) 10)

THE ... 1936 No. 2604

2/11/36

(Jt. Members)

1) 2/11

Secy

2/11/-

3 No 633 of 6.11.36 to Malikarjuna Swamigalu of Sri Purigali Mutt — Purigali Malvalli Taluk rejecting his review petition for reasons stated therein.

No 634 of 6/11/36 to the Mysore Commissioner forwarding copy of the above for information.

B

4/11/36

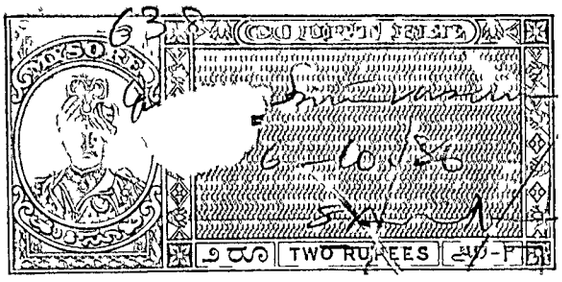
NOTE—Contn Sheet

WD 0417 -GPB—30,000—6 9 6

File No. of 193 .

General and Secretariat

Serial No.



373 - 4

GENL. & REV. SECRETARIAT
No. 373
8 - OCT. 1936
MUZRAI BRANCH

Recd 7.10.36
Presented in person

BEFORE THE GOVERNMENT OF HIS HIGHNESS -
THE MAHARAJA OF MYSORE, BANGALORE.

Review Petition No. 4 of 1936-37.

PETITIONER: Mallikarjuna Swami,
Purigali Mutt, -
Sarvamanya Purigali
Village, Malavalli-
Taluk.

@=@=@=@=@=@=@=@

Under Section 39 of the Mysore Religious and Charitable Institutions - - Regulation the petitioner above-named most humbly and respectfully begs to state as follows:-

1. That on 23.9.36 the petitioner has been served with a notice Muz C.No.52/30-31 issued by the Amildar of Malavalli, informing him that in pursuance of the order of Government No.C.1731/35-36, dated 17/7/1936 a Committee has been formed to enquire into and set right the affairs of the Petitioner's Mutt on the ground that the properties of - the Mutt had been alienated, and that debts had been contracted and that the affairs of

t h e

the mutt are not being properly looked after and that the said Committee would meet in the Panchayati Hall at Purigali Village on 8/10/1936 and that the Petitioner should be present there with all the accounts of the Mutt and submit - - himself to the said enquiry by the said Committee.

2. The order purports to have - been passed by the Government under - - Section 26 of the Mysore Religious and - Charitable Institutions Regulation of 1927.

3. That prior to the Service of the said Notice the petitioner had no - notice that there was any enquiry contemplated, and to the best of his knowledge, no such enquiry has ever been held, a n d the petitioner has not been given any - opportunity to challenge any allegations that might have been made against him - necessasitating any such enquiry resulting in the appointment of a Committee as aforesaid.

4. That

4. That soonafter the petitioner was served with the notice he came to - - Bangalore and has applied for a Copy of the Order of the Government. But so far the copy has not been granted. But in - so far as the Amildar has directed the - - petitioner to be present on the 8th instant before the Committee and submit himself to the enquiry, and in so far as the entire - proceedings resulting in the appointment - of the Committee have been throughout - - Exparte and based on incorrect data, the - petitioner has been obliged to file this Review application before the Government - praying that the Government be graciously pleased to review their order regarding the appointment of the Committee.

5. The provisions of the Mysore - Religious and Charitable Institutions - - Regulation cannot be made applicable to the Petitioner's institution unless and until it is established that the said Institution is a Muzrai Institution or an Institution of the kind to which the said provisions - can be made applicable.

6. This

6. This Institution is a private Institution not subject to the control or authority of the Muzrai Officer - nor has it received any grant from the Government or any public body for its support. - - Further, the properties owned by the petitioner are his private properties, and they do not belong to the Mutt.

7. That even the Mutt was built and brought into existence by the petitioner's ancestors at their own expense - and not at the expense of the Government or the - public.

8. This Mutt has no deciples in Purigal or anywhere else. This is a family institution and the succession devolves ~~any~~ only among the family members.

9. Further the alleged alienations if any were all for the benefit of the - institution and the petitioner.

10. But all the Muzrai Officers - appear to have started with the assumption that this Mutt is a Muzrai Institution and as such was within their jurisdiction. The

Government

Government also appear to have passed - the orders sought to be reviewed on this presumption.

11. That unless and until it is established by a regular enquiry that a public Trust exists, the provisions of Section 26 of the Regulation cannot be invoked and no committee can be legally appointed. But in this case no such - enquiry has been held - and the order - passed under Section 26 cannot therefore be deemed to be just and equitable.

12. But in so far as the Committee has already been formed, and the - petitioner is directed to submit himself to its jurisdiction and enquiry - the - petitioner will be seriously prejudiced in his rights if no stay order is granted pending the disposal of this Review - - application.

W H E R E F O R E, the petitioner most humbly and respectfully prays:-

(1) that the Government be - graciously pleased to - review their order Number 225-27/Muz 28-36-2 dated 10/8/1936 and No.C.1731/35-36 dated

dated 17/7/1936, and set-aside the order appointing a Committee to enquire into the affairs of the Peti - tioner's Mutt.

(2) that pending the disposal of this Review petition - a stay order might kindly be granted directing that the Committee now formed may not proceed with any enquiry into the affirs - of the petitioner's Mutt.

(3) Such other or further orders as may be deemed just and equitable under the circum-stances of the case be - - passed.

B A N G A L O R E,
6th October 1936.

ಮಂ ಪ್ರ ತಂ ಪಾದನ್ಯಾಯಾಧಿಕಾರಿಗಳ ಪರವಾಗಿ

P E T I T I O N E R.

[TWO RUPEES]

GENL. & REV. SECRET
374
OCT 1936
MUZRAI BR

Muz 27-36-2

BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE, BANGALORE.

Review Petition No. of 1936 - 37.

PETITIONER: Mallikarjuna Swami,
Purigali Mutt,
Malavalli Taluk.

@=@=@=@=@=@=@=@

Stay Application filed by the Petitioner.

The petitioner above-named - most respectfully begs to state as follows:-

1. That he has presented a Review Application praying that the Government be graciously pleased to Review their order- No.225-27 Muz 28-36-2 dated 10/8/1936, and No.C.1731/35-36 dated 17/7/1936.

2. But in the meanwhile the Committee appointed in pursuance of the Order of the Government have arranged to sit on - - 8/10/1936, to hold an enquiry and have - issued a Notice to the petitioner to appear before them - with the accounts of the Mutt.

3. T h e

3. The whole proceedings - -being exparte, and no enquiry having been made regarding the necessasity of appointing a Committee or its - - legality in so far as the Mutt or the lands in question are the private - property of the petitioner - and the provisions of the Mysore Religious and Charitable Institutions Regulation are not applicable to them - the appoint ment of a Committee becomes ultra vires.

4. If under the circumstances of the case pending the disposal of the Review Application the Committee is - - allowed to proceed with its enquiry the petitioner will be seriously prejudiced.

WHEREFORE, in the interests of justice the petitioner prays that - pending the disposal of the Review Appli- cation before the Government the Govern- ment be graciously pleased to issue a - stay order - directing that the committee now framed may not proceed with any enquiry into the affairs of the petitioner's Mutt.

B A N G A L O R E,
6th October 1936.

మల్లికార్జునస్వామివారు దేవరు మాం
PETITIONER.

12

గార్డెనర్ వారికి లిఖిత పూర్వకంగా ఈ రోజు 9-10-36 న
ఉదయం 10 గంటలకు ఫిర్యాదు చేసినాను. నేను ఫిర్యాదు చేసిన
వెంటనే వారు కొందరు మిలటరీ కానిస్టేబుళ్ళను వెంటబెట్టుకొని
ఆ ఫిర్యాదు చేసిన వ్యక్తి ఇంటికి వెళ్ళి అతనిని తీసుకొని
వచ్చి నా ఎదుట నిలబెట్టి ఇది ఏమి అని ప్రశ్నించినారు. నేను
ఇతడు నా వద్ద పనిచేసే వాడు అని చెప్పినాను.

10-9-36

Amildar
Malavalli Taluk

Before the Government of His Highness
the Maharaja of Mysore
Revision Petition No. 114-6-37.

ಕೋರ್ಟಿಗೆ

193—3 ನೇ ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್		ಪ್ರತಿವಾದಿ ಯಾ ಆಪ್ಪೋನೆಂಟ್
Petitioner Mallikarjunaswami.	Vs.	

ವು|| ರಾ|| ಕೆ. ಯರ್. ಶ್ರೀನಿವಾಸರ್, ಎಂ.ಎ., ಎಲ್.ಎಲ್.ಬಿ., ಅಡ್ವೊಕೇಟ್,
No C 15, Kumarappa Block, Basavanagudi

ರವರಿಗೆ Petitioner ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಪೈರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲ ವಿಧವಾದ ಅರ್ಜಿಗಳನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ ರಾಜಿ ವಗೈರೆ ಫೈನಲ್ಮಾಡಿಸತಕ್ಕ ಒಗ್ಗೆಯೂ ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗೂ, ತಿಲ್ಕು ಮೊಬಲಗೂ, ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ಮುಲ್ಲತಾ ಜುದನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕರ್ನಾಟಕ

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ವರಿಜಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇವೆ.

K. N. Srinivasan
C. S. Rudrappa

ಬೆಂಗಳೂರು

ತಾರೀಖು 6-10-1936

ಅಡ್ವೊಕೇಟ್ಸ್.

General and Revenue Secretariat

No. 633

Mag 97-36-3

Dated, Bangalore, 6th November 193 6.

Endorsement.

~~ENDORSEMENT~~

To

"allikarjunaswamigalu of Sri Purigali "utt c/o essrs. K.N.Srinivasan, "..A., LL.B., & C.B. Rudrappa, B.A., LL.B., Advocates, Bangalore "ity

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With reference to his petition dated 6.10.1936 praying for a reconsideration of the Government Order of 10.8.1936, sanctioning the appointment of a Committee of enquiry regarding the affairs of Sri "utt at Purigal - "alvelli Taluk and also requesting that the above said Government Order be held in abeyance pending the disposal of his review petition "allikarjuna Swamigalu is informed that Government see no reason either to modify or set aside the orders already passed in the matter and that his review petition as also the petition for the grant of a stay order are both rejected.

By Order,

Sd/- ". Venkatesa Iyengar,

~~For~~ General Secretary to Government

3. Memo No. 634/Mag Dated, 6th Novr. 1936.

Copy of the above, is forwarded, with compli-

ments

compliments, to the Muzrai Commi
for information.

By Order.

Amir Jafar Ali

For General Secretary to Gove e

[illegible].2.

Appendix F – 19

SUBJECT .....

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nme 3 Cwts

Section Mis 3

File No. 97 - 36

Serial No. 3.

Diary No. of letter replied to 3334 No. 633

To

Mallikarjuna Swamigalu &—

Sri Purigali Mutt C/o.

Messrs K. N. Srinivasan M.A. L.L.B

& C. B. Rudrappa B.A. L.L.B.

Advocates. Bangalore City

General and Revenue Secretariat

( )

the 193 .

Date of issue 6/11/36

by Mr Jafolar Hussain

In reply to his petn dy 6.10.36

praying for a reconsideration of

the Govt order dy 10.8.36. sanctioning

the appointment of a committee of enquiry

re affairs, Sri Purigali Mutt

at Huli Mr Mallikarjuna

Swamigalu and the

Govt are pleased to direct that

the petitioner pay the balance

of the revision fee,

r R

List of enclosures .....

Copied by .....

Examined by .....

TYPING SECTION
5 NOV 1936
GOVT. OF MYSORE
GENL & REVENUE DEPTT.

WD 71—GBPM—40,000—20-7-31.

Nepal is informed that Govt.
does not see either to provide any relief
by passing in
and
to be renewed on the ground of
not to be for a stay order

634/Mus of 6-11-86
forwarded
enclosures to the I.C. for information